



May 7, 1999

Ms. Tenley Aldredge
Assistant County Attorney
County of Travis
P.O. Box 1748
Austin, Texas 78767

OR99-1245

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 123960.

Travis County (the "county") received a request for information relating to the Chimney Oaks Phase II Preliminary Subdivision Plan. Although you state that some of the requested information will be released, you claim that the submitted documents are excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and have reviewed the submitted documents.

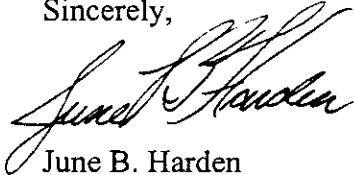
Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107(1) excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. *Id.* at 5. When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107(1) protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.*

You explain that the submitted documents were created by an assistant county attorney in the course of advising his client and include both client confidences and attorney advice and

opinion. After careful review, we agree that the submitted documents reveal client confidences and attorney advice or opinion. Therefore, the county may withhold the submitted documents under section 552.107(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" being more prominent.

June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 123960

encl. Submitted documents

cc: Ms. Sheila Nichols
506 Demarrset Drive
Leander, Texas 78645
(w/o enclosures)